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HOW TO PROTECT INVENTIONS IN FOREIGN COUNTRIES WITHOUT EFFECT UPON THE TERM OF UNITED STATES PATENT.

ACCORDING to late articles in daily, and even certain electrical and other scientific papers, and according to current remarks of inventors, a prevalent idea seems to exist to the effect that it is detrimental to the inventor's interest to obtain foreign patents, because the duration of his domestic patent will be shortened. This inaccurate and misleading understanding of the law is employed as an argument in favor of the revision of the patent statute relating to the maximum and minimum terms of patents. The object of this article is not to argue concerning such a revision, but it may be stated that the writer is greatly in favor of revision, but would emphasize that misrepresentations of the present law will rather hinder than further revision. To say, in general, that a United States patent expires with the term of the patentee's foreign patent, is misleading, because it is true only in some instances. Such statements are made, and the conclusion arrived at by the ordinary inventor is such as to apparently convince him that foreign patents are very dangerous and had better be left alone.

It is probably impossible to compose one sentence which will convey the exact relations of the terms of patents, because of the multitude of variations or differences among the patent laws of the numerous countries in which inventions may be protected with profit. Classifications somewhat as follows will, it is thought, make the matter so plain that the ordinary inventor may easily use the same for reference, although he could not, probably, remember them very accurately from one reading. All important phases are set forth, because it is not enough to know simply the effect of foreign patents upon the term of the United States patent, but upon one another's terms. In order to be brief, the language is intended to be such as to convey concise and practical information to inventors, independently of historical developments, irrelevant conjectures as to future decisions, and other matters valuable only to the mere student and patent attorney.

In each list which follows, the countries are named alphabetically to facilitate reference.

The term 17 years of a United States patent is *not* shortened:—

By any simultaneous, or subsequent foreign patent;

Nor by a prior patent in Belgium, United States of Columbia, Liberia, or Spain, provided the foreign patent is not over three years old;

Nor by a prior caveat in Argentine Republic, British Guiana, British Honduras, Canada, Great Britain, Sandwich Islands, Leeward Islands, Queensland, Russia, South Australia, Switzerland, Tasmania, Trinidad, Victoria;

Nor by an application filed, within seven months of the United States application, in Belgium, France, Great Britain, Guatemala, Italy, Netherlands, Norway, Portugal, Servia, Spain, Sweden, Switzerland, and Tunis;

Nor by an application filed, within six months of the United States application, in Brazil or San Domingo.

The maximum amount of reduction of the term of a United States patent by a *prior* foreign patent is equal to the difference of the term of 17 years and that remaining term which the foreign patent has to run. The maximum terms of patents in foreign countries (leaving out those of longer term than 17 years) are: Argentine Republic, 15 years; Austria, 15 years; Barbadoes, 14 years; Brazil, 15 years;

British Guiana, 14 years; British Honduras, 14 years; Canada, 15 years; Cape of Good Hope, 14 years; Ceylon, 14 years; Chili, 10 years; United States of Columbia, 10 years; Denmark, 5 years; Ecuador, 15 years; Fiji Islands, 14 years; Finland, 12 years; France, 15 years; Germany, 15 years; Great Britain, 14 years; Guatemala, 15 years; Sandwich Islands, 10 years; Hong Kong, 14 years; India, 14 years; Italy, 15 years; Jamaica, 14 years; Leeward Islands, 14 years; Luxemburg, 15 years; Mauritius, 14 years; Mexico, 10 years; Natal, 14 years; Newfoundland, 14 years; New South Wales, 14 years; New Zealand, 14 years; Norway, 15 years; Paraguay, 10 years; Peru, 10 years; Portugal, 15 years; Queensland, 14 years; Russia, 10 years; South Australia, 14 years; St. Helena, 14 years; Straits Settlements, 14 years; Sweden, 15 years; Switzerland, 15 years; Tasmania, 14 years; Trinidad, 14 years; Turkey, 14 years; Uruguay, 9 years; Venezuela, 15 years; Victoria, 14 years; West Australia, 14 years.

A valid patent is not obtainable in Ecuador, France, Germany, Leeward Islands, Luxemburg, Peru, Sandwich Islands, South Australia, Switzerland, Turkey, or Venezuela, after a prior patent has been issued in the United States, except in the case of France and Switzerland, under the condition that the application is filed within seven months after the United States application was filed.

A valid patent is obtainable, in Canada, if applied for within 1 year after issue of United States patent; in Italy, within 15 years; in Spain, within 2 years; in Argentine Republic, within 10 years; in Victoria, within 1 year; and in Western Australia, within 17 years.

In countries not named in the two paragraphs preceeding, valid patents are obtainable, as a general rule, if the inventions are not well known, or in use, within the territory of those countries.

From the foregoing facts, it is evident that, by planning the times of application, valid and useful protection may be obtained throughout the world without in any way shortening the full term in any country.

The point of law to be considered for revision, is the provision of a right of the American citizen to obtain a seventeen years' patent whether he has previously patented it abroad or not.

EDWARD P. THOMPSON.

LETTERS TO THE EDITOR.

**** Correspondents are requested to be as brief as possible. The writer's name is in all cases required as proof of good faith.*

On request in advance, one hundred copies of the number containing his communication will be furnished free to any correspondent.

The editor will be glad to publish any queries consonant with the character of the journal.

The General Circulation of the Atmosphere.

THE question concerning the origin of the winds, or the general circulation of the atmosphere, has been a perplexing one for many years, and is not yet completely and fully settled. There are so many factors entering into the question, that its solution is difficult to comprehend off-hand. Instead of a broad, flat plane, upon which idea some conclusions seem to be based, we have a globe, and the atmosphere is a complete envelope thereof, having almost the same spheroidal shape as the earth, upon which it rests. This envelope is made to adhere to the surface of the earth by means of gravitation, but not so rigidly that it may not be set in motion by the application of heat. The earth revolves on its axis daily, and the air revolves with it, although it does not always travel at the same rate.

A body of air at rest for some time, or moving only with a very slow motion, will soon acquire the direction of motion of those parts of the earth with which it comes in contact. When such a